

## ZONING AND ADJUSTMENT BOARD

September 20, 2004

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, September 20, 2004, at 6:30 P.M. with the following Board members present: Chairman Larry Story, Dale Nichols, Dossie Singleton, Frank Topping, Rodney Caruthers, Todd Brown, Lamar Parker, and Rusty Mask. Board members, Mark Caruthers, Richard Bradley, Dave Pierazek, and Evan Merritt were absent. Terry Neal, Zoning and Adjustment Board Attorney, and Aimee Webb, Board Secretary, were present. Roberta Rogers, Director of Planning and Development, was present.

The Board members led everyone in the pledge and prayer.

Mr. Story presented the proof of publication.

Mr. Story announced case number CPB2004-0002 was tabled until the October 4, 2004 ZAB meeting due to notice and publication errors.

SS2004-0013

Darroll Craig & Angela Martin

Mr. Brown made a motion to remove the case from the table. Mr. Nichols seconded the motion and the motion carried. Steve Richey, attorney for the applicants was present and requested a small scale comprehensive plan amendment from agricultural to commercial on 8 acres MOL. There were no objections from the audience. Mr. Richey stated it was unfair of the Board to ask the Martins to sign a developer's agreement when the state statutes allowed them to file a small scale amendment every 12 months. The Board members held a discussion as to whether the applicants should have to file a large scale amendment and whether they should sign the developer's agreement. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval of the requested small scale comprehensive plan amendment to the Board of Sumter County Commissioners based on the information provided in the staff report and removing the developer's agreement. Mr. Nichols seconded the motion and the motion carried with Mr. Topping and Mr. Mask voting nay.

R2004-0064

Darroll & Angela Martin

Mr. Brown made a motion to remove the case from the table. Mr. Nichols seconded the motion and the motion carried. Steve Richey, attorney for the applicants was present and requested a rezoning from A5 and A1 to CH on 8 acres MOL. There were eight notices sent. Of the eight notices sent, none were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

SS2004-0015

Tri-County Professional Management, Inc.

Jimmy Gooding, attorney for the applicant, and Akram Ismail, owner of Tri-County Professional Management, Inc., were present and requested a small scale comprehensive plan amendment from low density residential to commercial on 2.96 acres MOL. There were several objections from the audience: Marie Brand, Thomas Poss, Charlotte Poss Mary Whims, Joyce Howard, Donna Luti, and Richard Ormond. The audience members' concerns were the potential for negative impact on the residential area, traffic, detriment to property values, and they thought it was spot zoning. Mr. Gooding stated the reason for the request was due to the commercial development on the northeast side of US 27/441, FDOT had issued a traffic light warrant. Therefore, Sumter County has offered to realign CR 109 to allow the residents of Oakland Hills access to US 27 /441 through the traffic light intersection, thereby taking a portion of the applicant's property. Mr. Gooding also stated the applicant's would like to expand the existing business. Ms. Brand submitted a petition in objection to the request into the record. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested small scale comprehensive plan amendment to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Singleton seconded the motion and the motion carried with Mr. Nichols voting nay.

R2004-0075

Tri-County Professional Management, Inc.

Jimmy Gooding, attorney for the applicant, and Akram Ismail, owner of Tri-County Professional Management, Inc., were present and requesting a rezoning from R1M to CH. There were ten notices sent. Of the ten notices sent, none were received in favor and three in objection. Dr. Ismail amended his request to CL instead of CH. There was a discussion among the Board as to whether CL was a suitable zoning classification for the area. The Board thought the CP zoning classification would be more suitable than the CL. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend denial of the requested rezoning to the Board of Sumter County Commissioners based on the location of the property and sensitivity of the issue. Mr. Parker seconded the motion and the motion carried with Mr. Story, Mr. Caruthers, and Mr. Brown voting nay.

The Board took a five minute recess and reconvened with the aforementioned members present.

SS2004-0012

Mickey & Shirley Wilson

Michael Fields, representative for the applicants, was present and requested a small scale comprehensive plan amendment from agricultural to rural residential on 7.63 acres MOL. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval of the requested small scale comprehensive plan amendment to the Board of Sumter County

Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

R2004-0062

Mickey & Shirley Wilson

Michael Fields, representative for the applicants, was present and requested a rezoning from A5 to RR1C on 7.63 acres MOL. There were fourteen notices sent. Of the 14 notices sent, one was received in favor and none in objection. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Nichols seconded the motion and the motion carried.

SS2004-0014

Marvin Bohrer, Jr. & Joyce Bohrer

Randy Fleming, representative for the applicant, was present and requested a small scale comprehensive plan amendment from agricultural to high density residential on 9.2 acres MOL. There were two objections from the audience: Paul Taylor and Carol Hutto. Mr. Taylor stated he didn't want the change due to the area being commercial and industrial which might put limitations on his business in the future. Ms. Hutto stated she did not want the change because it could lead to low income housing. Mr. Fleming stated the location was ideal for approximately 50 to 54 unit townhouses with amenities. Mrs. Rogers stated the area was not located adjacent to or within an Urban Development Boundary and therefore was not in compliance with the Comprehensive Plan for Sumter County. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend denial of the requested small scale comprehensive plan amendment to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Parker seconded the motion and the motion carried.

R2004-0045

Joseph & Brandy McCormic

Joseph McCormic was present and requested a rezoning from a RR5C to RR1C on 5 acres MOL to bring the property into compliance with the Future Land Use Map. There were six notices sent. Of the six notices sent, none were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

R2004-0070

W.W. Trucking

The applicants submitted a letter prior to the hearing and requested the case be tabled until the October 18, 2004 ZAB meeting. Mr. Nichols made a motion to table the case

until the aforementioned meeting. Mr. Brown seconded the motion and the motion carried.

R2004-0071

Julia McCormic

Julia McCormic was present and requested a rezoning from a RR5C to RR1C on 10 acres MOL to bring the property into compliance with the Future Land Use Map. There were 13 notices sent. Of the thirteen notices sent, none were received in favor and two in objection. There were no objections from the audience. The letters of objection were read into the record. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

R2004-0073

Oscar Alvarez

Bennie Bedenbaugh, H & B Engineering, was present and requested a rezoning from a CL to CH on 6 acres MOL. There were four notices sent. Of the four notices sent, none were received in favor and none in objection. There were audience members requesting to speak: George Perez, Esther Gasaway, Robert Bowser, and Irwin Baker. Mr. Perez stated he was Mr. Alvarez's partner and was going to buy the land outright from Mr. Alvarez. Mr. Perez said he needed the CH zoning for outside storage and a staging area. The audience's concerns were the aesthetics of the property and there should be some type of buffer between the CH and A5 zonings. The Board held a discussion as to whether CH was appropriate for the property. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend denial of the requested rezoning to the Board of Sumter County Commissioners based on the need for a buffer between the adjacent properties. Mr. Topping seconded the motion and the motion carried.

S2004-0020

The Villages of Lake-Sumter, Et al

Martin Dzuro, Vice-President of The Villages, was present and requested a minor Special Use Permit for a 6 COP quota liquor license. There was one notice sent. Of the one notice sent, none was received in favor and none in objection. There were no objections from the audience. Mr. Dzuro explained the reason for the request was due to the seating requirements set forth by the Division of Alcoholic Beverages and Tobacco. The applicants were not proposing to have any package sales. There were no further questions or discussion from the Board. Mr. Topping made a motion to approve the requested Special Use Permit with no package sales permitted based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

R2004-0066

James Douglas

James Douglas, Robert Reynolds, attorney for the applicant, and Bennie Bedenbaugh, H & B Engineering, were present and requested a rezoning from A5 and RR to A10C on 12.2 acres MOL to bring the property into compliance with the Future Land Use Map. There were three notices sent. Of the three notices sent, none were received in favor and one in objection. There were no objections from the audience. The letter of objection was read into the record. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

#### S2004-0017

James Douglas

James Douglas, Robert Reynolds, attorney for the applicant, and Bennie Bedenbaugh, H & B Engineering, were present and requested a medium Special Use Permit on 12.2 acres MOL to allow egg and hay hauling for a period not to exceed three years. There were three notices sent. Of the three notices sent, none were received in favor and one in objection. There was one objection from the audience: Frederick Johnston. The letter of objection was read into the record. Mr. Johnston stated Mr. Douglas had bought a piece of property in the City of Bushnell and was trying to go through the site approval process. Unfortunately, it was taking an extensive amount of time and therefore Mr. Douglas needed to extend his Special Use Permit for three years. Mr. Johnston stated his objection was the property needed to be cleaned up. The Board held a discussion as to whether the use should be extended as Mr. Douglas had not yet complied with the previous order to remove the business. There were no further questions or discussion from the Board. Mr. Topping made a motion to approve the requested Special Use Permit specific to Mr. Douglas and provided the applicant annually submits substantial progress as to his relocation for staff to review and if substantial progress is not made, the case will be brought back before the Board. Mr. Parker seconded the motion and the motion carried.

#### R2004-0076

Daniel Bays and Eugene Bays

Udell Hall, representative for the applicants and Sumter Electric Cooperative (SECO), was present and requested a rezoning from A5 and RR1 to RR5C on 5 acres MOL to give the property a current zoning designation. There were ten notices sent. Of the ten notices sent, two were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval of the requested rezoning to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Singleton seconded the motion and the motion carried.

#### S2004-0018

Daniel Bays and Eugene Bays

Udell Hall, representative for the applicants and SECO, was present and requested a Major Special Use Permit for an electrical substation. There were ten notices sent. Of

the ten notices sent, two were received in favor and one in objection. There were no objections from the audience. The letter of objection was read into the record. Mr. Hall stated the reason for the request was SECO could not obtain additional land adjacent to the existing substation. If the use was approved, the existing substation would then be removed. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval of the requested Special Use Permit to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Caruthers seconded the motion and the motion carried.

S2004-0009

Charles Bradshaw, Jr.

David Shelley, representative for the applicant, was present and requested renewal of a Major Special Use Permit for the land application of residuals. There were six notices sent. Of the six notices sent, none were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval of the requested Special Use Permit to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Parker seconded the motion and the motion carried.

S2004-0019

Mark & Joyce Whitfield, Et al

Board member, Todd Brown, declared a conflict of interest. Todd Brown, representative for the applicant, was present and requested a Medium Special Use Permit for a church on 25.16 acres MOL. There were 14 notices sent. Of the 14 notices sent, two were received in favor and one in objection. There were no objections from the audience. The letter of objection was read into the record. Mr. Brown stated he represented the Hope Lutheran Church, which was wishing to expand to an additional location. There were no further questions or discussion from the Board. Mr. Topping made a motion to approve the requested Special Use Permit based on the information provided in the staff report. Mr. Nichols seconded the motion and the motion carried.

At 10:08 pm, the Board took a ten minute recess.

The Board reconvened at 10:18 pm with the aforementioned Board members present.

CPB2004-0001

Power Corporation

Steve Richey, attorney for the applicant, and Greg Beliveau, Land Planning Group, were present and requested a large scale comprehensive plan amendment from agricultural to mixed use and to include said property within the urban development boundary on 80 acres MOL. There were two notices received in objection, which were read into the record. Mr. Beliveau stated the applicants were proposing a subdivision with a

commercial area and approximately 700 residential units with access only from C-472. There would be intersection improvements at C-472 and US 301. Jonathan Thigpen, traffic engineer analyst for Kimley-Horn, stated US 301 met the level of service standards at this time. Mr. Nichols made a motion to recommend approval to transmit the requested application to the Board of Sumter County Commissioners. Mr. Caruthers seconded the motion and the motion carried.

#### CPB2004-0003

Gene Buchner & Don Buchner

Steve Richey, attorney for the applicant, and Greg Beliveau, Land Planning Group, were present and requested a large scale comprehensive plan amendment from agricultural to mixed use to create an RV planned unit development. There were two notices received in objection, which were read into the record. Mr. Beliveau stated the park would be approximately 1300' from the road and there would be an on-site sewer plant. Mike Springstead, Springstead Engineering, stated the property will have lined man-made ponds three to four feet deep for storm water. Daniel Croft, who was in objection, stated the area was single family residences, and not conducive to commercial and spot zoning. Don Buchner, property owner, stated the clubhouse would be a \$2 million project, travelers would only reside at the park four months per year, and include only the class "A" motor coaches. Mr. Nichols stated he thought it was spot zoning in an isolated rural area, thereby creating urban sprawl. Mr. Nichols made a motion to recommend denial of transmit of the requested application to the Board of Sumter County Commissioners. Mr. Parker seconded the motion and the motion failed to carry due to a tie vote. The following members voted to deny the request: Mr. Nichols, Mr. Parker, Mr. Singleton, and Mr. Mask. The following members voted to approve the request: Mr. Story, Mr. Topping, Mr. Brown, and Mr. Caruthers.

#### CPB2004-0004

John & Merle Peterson

David Springstead, Springstead Engineering, was present and requested a large scale comprehensive plan amendment from agricultural to medium density residential on 42.5 acres MOL and high density residential on 20 acres MOL and inclusion of all the property within an Urban Development Boundary. There were six notices received in objection, which were read into the record. Mr. Springstead stated there were traffic problems with CR 101 but the applicants were working with the surrounding property owners to resolve those issues. Mr. Springstead stated the proposed plans for the property were for 2200-2500 sq ft single-family residences in a deed restricted community. There were several objections from the audience: Mary Goldberg, Mr. Payne, James Alderman, Leonard Leavitt, and Richard Payne. The concerns raised by the objectors were traffic on CR 104 and CR 101, water and sewer, and crime. There were no further questions or discussion among the Board. Mr. Nichols made a motion to recommend approval to transmit the requested application to the Board of Sumter County

Commissioners provided adequate improvements are made to CR 101 and CR 104. Mr. Topping seconded the motion and the motion carried.

CPB2004-0005

Large Scale Comprehensive Plan Amendment Application-Density Bonus

Greg Beliveau, Land Planning Group, was present and requested a text amendment to the Sumter County Comprehensive Plan. This proposed text amendment will allow a point system to be utilized in an agricultural land use allowing the density to increase from 1 unit per 10 acres to 1 unit per acre. Jamie Bynum and Martin Howard were in objection to the proposal because it could cause a density problem and there would be no requirement for infrastructure. There were no further questions or discussion from the Board. Mr. Nichols made a motion to recommend approval to transmit the requested application to the Board of Sumter County Commissioners. Mr. Brown seconded the motion and the motion failed to carry due to a tie vote. The following members voted to deny the request: Mr. Caruthers, Mr. Parker, Mr. Story, and Mr. Mask. The following members voted to approve the request: Mr. Nichols, Mr. Topping, Mr. Brown, and Mr. Singleton.

CPB2004-0006

Lake Andrew Preserve

Steve Richey, attorney for the applicant, was present and requested a large scale comprehensive plan amendment from agricultural to low density residential on 40 acres MOL and commercial on 57 acres MOL and include said property within the Urban Development Boundary. There were four letters received in objection, which were read into the record. Bob Farner, Farner Barley and Associates, stated there would be approximately 80 single-family residences, some light commercial, and the city of Wildwood would provide central water and sewer. There were several concerns from the audience which consisted of a balance of growth, traffic, and water. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval to transmit the requested application to the Board of Sumter County Commissioners. Mr. Caruthers seconded the motion and the motion carried with Mr. Mask voting nay.

Mr. Nichols made a motion to adjourn. Mr. Brown seconded the motion and the motion carried.

The meeting adjourned at 12:40 p.m.

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Larry Story, Chairman  
Zoning and Adjustment Board